

had, it shall be the duty of such officers, and it is hereby made their special duty to go before a magistrate and make information of the same and of the person so violating the law. Upon the filing of such information before a magis-<sup>Trial.</sup>trate it shall be his duty to institute a suit and proceed to the arrest and trial thereof according to law. Upon trials be-<sup>Prosecuting</sup>fore a magistrate, it shall be the duty of the prosecuting at-<sup>attorney.</sup>torney to appear for the State, unless the person filing such information shall select some other attorney. The prose-<sup>Prosecuting</sup>cuting attorney, or any other attorney selected and appear-<sup>attorney.</sup>ing and prosecuting such trial before a magistrate, shall be allowed the sum of five dollars to be paid out of the county treasury by order from the county judge of such county; any peace officer failing to comply with the provisions of this section, shall be guilty of a misdemeanor, and pay a fine of not less than ten nor more than fifty dollars, and a conviction shall work a forfeiture of his office.

SEC. 6. The principal and securities in the bond men-<sup>Principal and</sup>tioned in the preceding section shall be jointly and severally <sup>security.</sup>liable for all fines and costs that may be adjudged against the principal for any violation of any of the provisions of this act or of the act to which this amendatory, and shall also jointly and severally be liable for all civil damages and costs that may be adjudged against such principal in any action authorized to be brought against him by the provisions of this act or the act to which this is amendatory.

SEC. 7. If any railroad conductor, freight agent, ex-<sup>Carriers liable.</sup>pressman, depot master, or other person in the employment or in any manner connected with any railroad corporation, or any teamster, stage driver, or common carrier of any kind, or any person professing to act as agent for any other person or persons, whether within or without this State, or any other individual of whatever calling, shall bring with-<sup>Importing.</sup>in this State for any other person or persons, any intoxicating liquor, without first having been furnished with a copy of the certificate authorizing such person or persons to sell such intoxicating liquors, certified by some justice of the peace to be correct, such person or persons so offending, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit and pay a fine for the first offence <sup>Penalty.</sup>of twenty dollars, and be imprisoned in the county jail

thirty days; for the second and each subsequent offence shall forfeit and pay a fine of fifty dollars, and be imprisoned in the county jail ninety days.

**Evasions.**

SEC. 8. Courts and jurors are requested to construe this act and the act to which this is amendatory so as to prevent evasion, and so as to cover the act of giving as well as selling by persons not authorized.

**Intoxicating liquor defined.**

SEC. 9. Wherever the words "intoxicating liquors" occur in this act, or the act to which this is amendatory, the same shall be construed to mean all spirituous, malt, and vinous liquors: *Provided*, that nothing in this act shall be so construed as to forbid the manufacture of cider from apples, or wine from grapes, currents or other fruits, grown or gathered by the manufacturer.

**Take effect.**

SEC. 10. This act to take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter: *Provided*, that the agents, appointed under the act to which this is amendatory, who may have any intoxicating liquor on hand at the time of the taking effect of this act, may sell the same according to the provisions of this act or the act to which this is amendatory: *Provided further*, that all suits instituted under the act to which this is amendatory, and pending upon the taking effect of this act, shall be prosecuted the same as if this had not passed.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 20, 1857, and in the Iowa Capital Reporter, Feb. 21, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 158.

### PUBLIC SCHOOLS.

AN ACT for the better regulation of public schools in cities, towns and densely populated school districts.

**School district**

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That any incorporated city, town or school district in this State, containing two hundred inhabitants or

more, with the territory attached, or hereafter to be attached to said city, town or district, for school purposes, may be organized into and established as a single district, in the manner and with the power hereinafter specified.

SEC. 2. That in order to such organization, written notices shall be posted up in three or more of the most public places in said contemplated district, signed by at least one-fourth of the voters of said city or town, requesting the qualified electors in said district to assemble upon a day, and at some suitable place in said district, to be named in said notices, then and there to vote by ballot for or against the adoption of this act, which notices shall be so posted up at least ten days prior to said meeting. Vote to adopt act.

SEC. 3. That the electors assembled at said time and place shall proceed to appoint a chairman, assistant chairman and clerk, who shall be the judges of said election. The electors in favor of the adoption of this act for said district, shall have upon their ballots "For the law;" and those opposed thereto shall have upon their ballots "Against the law;" the adoption or rejection of this act to be determined by a majority of the votes cast in manner aforesaid. Judges. Ballots.

SEC. 4. That in case a majority of votes shall have been cast for said law, the electors of said district shall assemble at the place last aforesaid, within twenty days from the time of the adoption of said act, of which at least ten days' previous notice shall be given by said chairman and clerk, in the manner aforesaid, and shall then choose by ballot six directors for the public schools of said district, two of whom shall serve for one year, two for two years, and two for three years; the time that each shall serve to be designated on the ballots, and annually on the second Monday of March thereafter, there shall be chosen in the same manner, two directors, each of whom shall serve for three years and until their successors are elected and qualified; such intermediate vacancies as shall occur, to be filled by the acting directors till the next annual election, when such vacancies shall be filled by the electors. If adopted voters meet. Term. Vacancies.

SEC. 5. That said directors within two days after their election as aforesaid, shall each, having taken an oath or affirmation for the faithful performance of the duties of his office, meet and organize by choosing from their number a Oath.

president, secretary, and treasurer; that said secretary and treasurer each, before he enters upon the duties of his office, shall give bond payable to the State of Iowa, with security to be approved by said board, and to be kept by the president, conditioned for the faithful discharge of his duties as such officer.

**Corporation.**

SEC. 6. That said directors, and their successors in office, shall be a body corporate by the name of the board of education of said city or town, and as such and by such name shall receive all monies and other property belonging or accruing to said district or to said city or town, or any part of the same, for the use or benefit of the public schools therein; and the said board shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity; and also be capable of receiving any grant, gift, bequest, or devise, made for the use of the public schools of said city, town, or district; and all monies accruing to said city, town, or district, for school purposes, under any law of this State, shall be paid over to the treasurer of said board of education.

**Meetings.**

SEC. 7. Said board of education may hold stated meetings, at such times and places in said district, as they may appoint, four members of said board at all meetings thereof constituting a quorum for business; and special meetings thereof may be called by the president or by any two members, on giving one day's notice of the time and place of the same, and said board by resolution shall direct the payment of all monies that shall come into the hands of the treasurer, and no money shall be paid out of the treasury except in pursuance of such resolution, and on the written order of the president countersigned by the secretary.

**School house**

SEC. 8. That whenever said board shall deem it necessary to purchase or erect a school house or school houses for said district, or to purchase sites for the same, they shall call a meeting of the legal voters in said district, by giving at least ten days' notice of the time and place and object of said meeting in some newspaper printed in and of general circulation in such district, or by posting up written or printed notices thereof, at five or more of the most public

places in said district; and the president of said board, and in his absence, one of the other of said directors shall act as chairman of said meeting, and said meeting may determine by a majority vote upon the erection of a school house or school houses, and the purchase of a site or sites therefor, and the amount of money to be raised for the purpose, aforesaid, and the time or times when the same shall be paid, which monies so voted shall be assessed and collected by the secretary of said board, in like manner as taxes for school house purposes are now, or may hereafter be collected under the laws of the State, and, on the order of the president, paid over to the treasurer of the board.

SEC. 9. It shall be the duty of said board as soon as the Schools. means for that purpose can be provided, to establish in said district an adequate number of primary schools to be so located as best to accommodate the inhabitants thereof, and in which the rudiments of education shall be taught; and it shall be the further duty of said board to establish in said district a suitable number of other schools of a higher grade or grades, wherein instruction shall be given in such studies as may not be provided for in the primary schools; the number of schools and also of the different grades thereof, to be determined by said board; and it shall be the further duty of said board to decide what branches shall be taught in each and all of said schools: *Provided*, That no other language than the English shall be taught therein, except with the concurrence of two-thirds of said board.

SEC. 10. Admission to said schools shall be granted to the children, wards and apprentices of all actual residents in said district who may be entitled to the privileges of the public schools under the general laws of this State, subject to the provisions of section 13 of this act: *Provided*, That said board shall have power to admit to said schools other pupils, upon such terms, or upon the payment of such tuition as they may prescribe. Admission of pupils.

SEC. 11. Said board shall have power to make all necessary regulations for said schools, to prescribe and enforce rules for the admission of pupils into the same, not inconsistent with the preceding section, and the examination that pupils must pass preparatory to admission into the schools of higher grades than the primary; to subdivide said school Powers of board.

district if they shall think proper, to select sites for school houses, to superintend the building of the same, and to pay therefor, and for their appurtenances, furniture and apparatus; to borrow money for the erection of school houses, upon a majority vote of said district therefor, and to incur all other expenses of said school system, and pay the same from the public monies of said district.

Terms of the schools.

SEC. 12. It shall be the duty of said board to keep said schools in operation not less than thirty, nor more than forty-four weeks in each year, to determine the amount of the annual tax to be raised for the purposes aforesaid, including all the necessary expenses of said school, except for the erection of school houses and the purchase of sites; and on or before the first day of September in each year, the secretary of said board shall obtain a transcript of the last assessment roll of the county, and shall add thereto any taxable property in said district, therein omitted, having himself assessed the value thereof, and shall collect said tax

Taxes.

Collection.

in such manner as is now or may hereafter be prescribed for the collection of other school district tax: *Provided*, That it shall be the duty of the secretary to return to the treasurer of the county, on or before the fifteenth day of November in each year, a transcript from said district assessment, containing the description of each parcel of real estate on which the said taxes remain due and unpaid, with the amount of tax against the same, and thereupon it shall be the duty of said treasurer to collect said taxes as county any State taxes; and all such taxes as shall remain due and unpaid after the said 15th day of November, shall draw interest from and after said date at the same rate as delinquent county and State taxes.

Limitation.

SEC. 13. The tax provided for in the preceding section shall in no case exceed five mills on the dollar upon the taxable property of said district in any one year, and in case the amount so authorized to be raised, together with

If insufficient.

the other school monies of said district, shall be insufficient to support such schools for the portion of the year mentioned in the 12th section of this act, said board of education may require such sum as may be necessary to support the same for the residue of said time, to be charged at the discretion of said board, upon the tuition of the pupils.

attending such schools: *Provided*, however, that the children of indigent parents or orphans who are unable to pay such charges, shall not be excluded from said schools for the non payment of the same.

SEC. 14. It shall be the duty of said board of education <sup>Proceedings</sup> to keep an accurate account of their proceedings, and of <sup>kept.</sup> their receipts and disbursements for school purposes, and at the annual meeting for the choice of directors in said district, to make report of such receipts, and the sources from which the same were derived, and of said disbursements, and the objects to which the same were applied; and they shall also make report at the same time of such other matters relating to said schools as they may deem the interests of the same to require.

SEC. 15. That said board of education, within twenty <sup>School exam-</sup> days of their election, shall appoint three competent persons, citizens of said district, to serve as school examiners. <sup>iners.</sup> of the public schools therein, each of whom shall be sworn or affirmed to the faithful discharge of the duties of his office, one to serve for one year, one for two years, and one for three years from the time of their appointment and until their successors shall be appointed; and annually thereafter said board shall appoint one examiner, to serve for three years, and till his successor is appointed and qualified, and said board shall fill all vacancies that may occur from death, removal, or otherwise. Said examiners or any two of them, shall examine any person that may apply for that purpose, with the intention of becoming teachers in any of the schools in said district, and if they find the applicant in their opinion, qualified to teach in any of said schools, and to govern the same, and of good moral character, they shall give said applicant a certificate naming the branches in which the holder of said certificate was found qualified to teach, and no person shall be permitted to teach in said schools without such certificate; and said examiners may in all cases, when two of their number concur, have power to annul such certificate, and when so annulled, the person holding the same shall be discharged as a teacher of said schools; said examiners shall also separately or otherwise, together with said board of education, or any of them, or such person as they may appoint, or invite, visit said schools

as often as once in each school month, and observe the description, mode of teaching, progress of the pupils, and such other matters as they deem of interest, and make suggestions, and report thereupon to said board as they may think proper, which report may be published at the discretion of said board.

Collect acc'ts. SEC. 16. That said board of education, or the secretary thereof, shall have power to collect any charge or account for tuition, in the same manner as the secretary of any common school district in this State, is now, or may hereafter be authorized to collect any such charge or account.

Not to affect rights. SEC. 17. That upon the adoption of this act, in the manner herein provided, by any city, town or district, such adoption shall not affect the debts due to or from said district, or any contract with said district existing at the time of such adoption.

Laws conflicting not to operate. SEC. 18. All laws and parts of laws relating to schools, which conflict with the provisions of this act, shall be so construed as not to interfere with the provisions of this act.

SEC. 19. This act shall be in force and take effect from and after its publication according to law.

Approved January 28, 1857.

## CHAPTER 159.

### BURLINGTON.

AN ACT to amend the charter of the city of Burlington.

Opening new streets and alleys. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That when any new street or alley is hereafter laid out, or when any street or alley is hereafter widened in accordance with the charter of the city of Burlington and the amendments made thereto, and when the damages and compensation to be paid to the several persons entitled thereto, on the opening or widening of said street or alley, have been ascertained in accordance with the charter and ordinances of said city, the said city shall have the power and is hereby authorized to levy a special tax to the amount of the damages or compensation awarded, upon all